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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of

CUBA CITY TELEPHONE  
EXCHANGE COMPANY, INC.

File No. \_\_\_\_\_

Petition for Limited Waiver of the  
Federal Communications Commission's Rules  
Concerning Administration of the North  
American Numbering Plan  
Carrier Identification Codes (CICs)

CC Docket 92-237

To: Common Carrier Bureau

**PETITION FOR LIMITED WAIVER**

Cuba City Telephone Exchange Company, Inc. ("Cuba City" or "Petitioner"), respectfully requests a limited waiver of the January 1, 1998 deadline for the transition to four digit Carrier Identification Codes ("CICs") and any attendant customer education requirements established in the above-captioned proceeding. Petitioner requests additional time to comply with the requirement that a carrier have four digit CIC capability. Petitioner is a small local exchange carrier which became an equal access provider in 1990. Cuba City requires upgrades to switch hardware and operating systems software.

As demonstrated herein, good cause exists for this waiver<sup>1</sup> because, through no fault of Petitioner, it may be technically and economically infeasible for Petitioner to comply with the January 1, 1998 deadline for conversion to the four digit CIC capability. Accordingly, Petitioner requests an extension of time to implement four digit CIC capability.

**Background and Facts**

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<sup>1</sup>"The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC 897 F.2d 1164, 1166 (D.C. Cir. 1990).

On April 11, 1997, the Federal Communications Commission adopted its Second Report and Order, In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs), Petition for Rulemaking of VarTec Telecom, Inc. CC Docket No. 92-237, FCC 97-125 released April 11, 1997 ("Second Report & Order"), which set a January 1, 1998 deadline for all carriers to transition to four digit Feature Group D CICs. This Second Report & Order shortened the anticipated deadline from the year 2000 to January 1998.<sup>2</sup>

In April 1997 as soon as the Second Report & Order was released, Petitioner made efforts to assess what steps it needed to take to meet the January 1, 1998 deadline. Petitioner determined that in order for it to be able to have four digit CIC capability, it must upgrade the existing operating systems software and purchase additional equipment for its Northern Telecom ("Nortel") switch so that the switch can support the four digit CICs.

Cuba City serves one exchange, a total of approximately 1,689 access lines, with a DMS 10 located in Cuba City, Wisconsin. Cuba City has a sister company, Belmont Telephone Company, Inc ("Belmont") approximately 13 miles away. Belmont's switch was installed in 1988 and is operating with the same, 4.02, software version as Cuba City. Based upon economics, Belmont will become a remote operating off Cuba City as a host effective with this upgrade. The importance being, this change requires additional installation, co-ordination, etc... than both just upgrading.

The exchange is currently operating on release version 4.02 of the operating systems software, which does not have four digit CIC capability. Cuba City has made good faith efforts to purchase an updated release of the operating system software necessary to accept the four digit CICs, and to acquire the equipment which would be necessary to operate the updated software. Negotiations between ourselves, our engineers (Iverson Engineering) and Nortel began the first quarter of 1997. Cuba City signed a contract in July 1997 with Nortel to upgrade to release version 4.10. Equipment was received late November 1997. Because Nortel is overwhelmed with upgrade requests, installation will not be complete until April 1, 1998.

Petitioner has considered alternatives such as the purchase of new switch equipment from other manufacturers, but the cost is not economical for a small company, and the process would require many more months of time. It is therefore more practical for Cuba City to implement the Nortel upgrades, which will be operable, including testing, effective April 1, 1998.

#### **Request for Waiver**

Petitioner requests a limited waiver of the January 1, 1998 deadline to transition to four digit CICs so that it has the time it needs to install Nortel software and equipment upgrades. As the Commission is aware, alternative switch equipment and required operating system software would be prohibitively expensive for a small and rural LEC such as Petitioner. Cuba City's

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<sup>2</sup>Second Report & Order at para 4. The deadline had previously been extended from 1995 to 2000, so Petitioner had anticipated a six year transition period.

compliance with the January 1, 1998 deadline for transitioning to four digit CICs would be technically and economically infeasible.

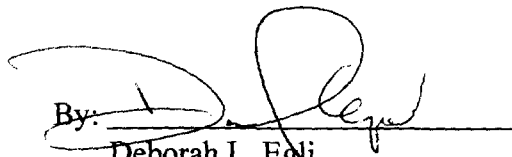
The Commission has previously recognized the technical and economic burden on small and rural LECs in purchasing software upgrades. In its December 10, 1995 Caller ID Order, the Commission issued a stay of its per call block and unblocking requirements in response to waiver petitions from several LECs, including small rural LECs, that claimed that providing blocking and unblocking was technically and economically infeasible.<sup>3</sup> Waiving Petitioner's requirement to meet the January 1, 1998 CIC compliance deadline will benefit its customers, in that a technically and economically feasible transition plan is already in motion. Petitioner will avoid passing on to customers the exorbitant cost of changing equipment and software (if such a change were possible as a means to meet the deadline).

Therefore, Petitioner submits that grant of a waiver of the transition deadline in this instance will benefit public interest.

**Conclusion**

For the reasons explained, Petitioner requests a limited waiver of the January 1, 1998 deadline for implementation of four digit CICs. Petitioner requests that a limited waiver be granted and an extension given until April 1, 1998. The public interest benefit in this case equals or exceeds that which the Commission has found in other instances to be sufficient for waiver. Accordingly, Petitioner requests that a waiver and extension be granted as proposed.

Respectfully submitted this 1<sup>st</sup> day of December, 1997  
Cuba City Telephone Exchange Company, Inc

By:   
Deborah L. Egli  
Financial Manager

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<sup>3</sup>Order and Fourth Notice of Proposed Rulemaking, 10 FCC Rcd 13796, 13808 (1995).